



SO ORDERED.

**SIGNED this 27 day of September,
2013.**

**Randy D. Doub
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

**SPRINGFIELD HOMES, LLC,
DEBTOR**

**CHAPTER 11
CASE NO. 13-04550-8-RDD**

**ORDER DENYING APPLICATION
TO APPROVE EMPLOYMENT OF ATTORNEY**

Pending before the Court is the Application to Approve Employment of Attorney filed by Springfield Homes, LLC (the “Debtor”), by and through its member/manager, David Cully on July 22, 2013 (the “Application”), the Response in Opposition to the Application filed by Springfield Homes, LLC, by and through its member/manager G. Frank Moody on August 5, 2013, and the Objection to Application for Employment of Attorney filed by the United States Bankruptcy Administrator on August 13, 2013. The Court conducted a hearing on this matter on August 26, 2013, in Wilson, North Carolina.

On August 26, 2013, the Court conducted a hearing and took evidence regarding the Motion to Dismiss filed by the Debtor, by and through its member manager G. Frank Moody. The Court granted the motion to dismiss the bankruptcy case and ruled that Mr. Cully was not authorized under

the terms of the Operating Agreement of Springfield Homes, LLC and under North Carolina state law to file a bankruptcy petition on behalf of the Debtor. An order setting out the Court's findings of fact and conclusions of law will be entered contemporaneously herewith. Based on this ruling, attorney for the Debtor requested authorization for employment of attorney and reimbursement for fees and expenses at the attorney's hourly rate. Because the Court finds that Mr. Cully was not authorized to file the bankruptcy petition on behalf of the Debtor, Mr. Cully is not authorized to make an application to employ an attorney for the Debtor. Therefore, the Application to Approve Employment of Attorney is **DENIED**.

SO ORDERED.

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